down that such statements were not admissible. In *Reed* v. *Spaulding*, 42 N. H. 114, it was said by the court that such statements were not admissible unless it should distinctly appear that there had been some change in the relation of the witness to the party or to the cause since such early statements were made. In a few of the decisions it is declared that the confirmatory statement to be admissible must have been made prior to the contrary narration. *State* v. *Petty*, 21 Kan. 54; *State* v. *Caddy*, 15 S. D. 167; *Queener* v. *Morrow*, 41 Tenn. (1 Cold.) 123. In Indiana the rule is that such statements, while they must be limited to that part of the testimony contradicted by the alleged statements shown in the impeaching evidence, *Hicks* v. *State*, 165 Ind. 440, need not be limited to such declarations as were made before the impeaching declarations. *Brookbank* v. *State*, 55 Ind. 169. The following cases hold that such statements are generally admissible: *Burnett* v. *Wilmington, N. & N. Ry. Co.*, 120 N. C. 517; *Sims* v. *State*, 36 Tex. Cr. R. 154; *State* v. *Fontenot*, 48 La. Ann. 283.

EVIDENCE—OTHER OFFENSES AS EVIDENCE OF OFFENSE CHARGED.—Defendant was convicted of rape, the prosecuting witness being under the age of consent. During the trial, evidence of other acts of sexual intercourse between the parties prior to the date set out in the information was offered by the prosecution, and was received by the court. Defense on appeal assigned the reception of this evidence as error. *Held*, the evidence of such other offenses was admissible as tending to prove the main allegation. *People* v. *Jacobs* (Cal. App. 1911) 117 Pac. 615.

It is the general rule supported by an almost overwhelming weight of authority that in a prosecution for a particular offense, evidence tending to show the defendant guilty of another offense, disconnected with the crime charged, is inadmissible. *People* v. *Jenness*, 5 Mich. 305; *Nesbit* v. *State*, 125 Ga. 51; *People* v. *Molineux*, 168 N. Y. 264. But evidence which tends to prove defendant's guilt of the offense charged is admissible, although it may also have reference to a distinct offense. *Commonwealth* v. *Schaffner*, 146 Mass. 512; *Glover* v. *People*, 204 Ill. 170; *State* v. *Ames*, 90 Minn. 183. *Contra*, *Gay* v. *State*, 115 Ga. 204. But it is not proper to raise a presumption of guilt on the ground that having committed one crime, the depravity which it exhibits makes it likely that the defendant would commit another. *Shaffner* v. *Com.*, 72 Pa. St. 60; or to prove that he committed other crimes of a like nature for the purpose of showing that he would be likely to commit the crime charged in the indictment. *Bullock* v. *State*, 65 N. J. L. 557. On a prosecution for intercourse in violation of the age of consent law, however, the great majority of the authorities hold with the case above that evidence of other prior acts of intercourse between the parties within the prohibited period is admissible to shed light upon the act upon which the indictment is predicated. *State* v. *Trusty*, 122 Iowa 82; *Sykes* v. *State*, 112 Tenn. 572; *Boyd* v. *State*, 81 Ohio St. 239; *People* v. *Castro*, 133 Cal. 11. That acts of rape committed after the offense charged in the indictment are not admissible in evidence, is the rule in some jurisdictions. *People* v. *Brown*, 142 Mich. 622; *Cecil* v. *Territory*, 16 Okla. 197; *State* v. *Hilberg*, 22 Utah 27; *People* v. *Robertson*, 18 N. Y. C. R.

16. In others such subsequent acts are held admissible in evidence also. *State* v. *Brown* (Kan. 1911) 116 Pac. 508; *Woodruff* v. *State, 72* Neb. 815. The length to which this rule has been carried is shown in the case of *State* v. *Parish,* 104 N. C. 679, where it is laid down as the rule that the prosecution may prove as many separate offenses as it will, and it is within the discretion of the trial court to compel an election as to which one shall be covered by the indictment. The contrary doctrine, which is followed in a few jurisdictions is enunciated in *Parkinson* v. *People,* 135 Ill. 401, where the court say that on trial for rape the admission of proof of two acts of rape committed by the defendant on different days is reversible error since it would show two separate crimes. *State* v. *Riggio,* 124 La. 614.

FIXTURES—BETWEEN VENDOR OF CHATTEL AND MORTGAGEE OF LAND.—Plaintiff sold to appellant engines and fixtures for generating electric light and power. The contract between the parties provided that title to the machinery should remain in plaintiff until the price was fully paid. The machinery was delivered to appellant and installed on its property by bolting it to a cement platform. It could have been removed without injury to the building or platform. At the time the machinery was installed the real estate of the appellant was subject to a mortgage given to secure an issue of bonds which mortgage also covered after acquired property. Appellant made default in payment for the machinery and plaintiff issued a writ of replevin. Appellant gave bond and continued to use the machinery. Later, on petition of appellant's creditors, a receiver was appointed and the real estate of appellant sold to one Love, who purchased for himself and other bondholders, and who had notice of the proceedings in replevin. The court *held* that "the sale was a conditional one and that title did not pass until all the purchase money was paid. A purchaser at the receiver's sale with notice, or a holder of bonds secured by a mortgage given before the machinery was sold, had no higher right than the appellant," and that therefore the machines did not become part of the realty and were not subject to the mortgage. *Wickes Brothers* v. *Island Park Association, Appellant* (Pa. 1911) 229 Pa. St. 400, 78 Atl. 934.

In a similar case decided by the same court only a few weeks later, the facts were as follows: There was a conditional sale of generators made to a traction company in whose power plant they were installed; being built into the building as an essential part of the construction and installed permanently as a necessary part of the plant. There was a prior mortgage covering all property of the traction company, real, personal and mixed, and also all property thereafter acquired. In a replevin suit by the vendors, the receiver and a trustee representing the bondholders intervened and the court held the generators were bound by the lien of the mortgage. *Bullock Electric Mfg. Co.* v. *Lehigh Valley Traction Co.* (Pa. 1911) 80 Atl. 568.

In both cases the mortgage was given before the purchase and installation of the generators. Whatever rights accrued to the mortgagor in either case would inure to the benefit of the mortgagee. In the *Wickes* case the court held that the title did not pass to the mortgagor and that the mortgagee "had no higher right" than the mortgagor. In